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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,498	11/21/2001	Yue Ma	9432-000145	3411

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EXAMINER

LIU, MING HUN

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/990,498

Applicant(s)

MA ET AL.

Examiner

Ming-Hun Liu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8, 11, 13-19, 21 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 11, 13-19, 21, 23-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 11, 16-18, 26, 27, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over the US Patent 6,318,825 to Carau in view of 5,572,651 to Weber et al.

In reference claim 1, Carau discloses a integrated system for portraying and reproducing information on a surface. Carau's invention is best summarized in figure 2. Carau uses a digitizer to record a digital version of the user-drawn marks and stores the digital information for later retrieval. Carau's invention is similar to the one being claimed, however his invention does not include an indexing to assist in the retrieval the saved information.

Weber on the other hand, teaches an indexing method that closely resembles the one being claimed by the applicant. Weber's invention uses user-drawn headers to access user-drawn data.

Weber's invention can be applied to Carau's invention as Weber's invention serves as an organizational method to assist in the retrieval of saved digital information. Carau explains on column 3, lines 31-37 that the saved information may be saved onto transferable media and/or computer memories. Specifically, Carau understands that the advantage of incorporating a computer in the transfer of data allows users to retrieve the "same or a different whiteboard

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image... from memory.” Naturally one skilled in the art understands that cataloging a large number of data is required when recalling saved data. Weber’s invention satisfies exactly that need (column 3, lines 32-41).

In reference to claim 2, Carau teaches a whiteboard with dry erasable ink (column 1, line 40).

In reference to claim 3, Carau teaches that the user-drawn figures are digitized by a scanning device (column 3, lines 29-30).

In reference to claim 4, Weber teaches that the selected portion is the circled region (figures 4 and 6).

In reference to claim 6, in figure 4 and 6, it can be seen that several headers can be produced and extracted.

In reference to claim 11, in figure 2 (object 28) and 6, it can be seen that an additional display is used to display the header information for selection.

Claim 16 is rejected on grounds presented in the rejection of claims 1 and 5.

Claim 17 is rejected on grounds presented in the rejection of claim 5.

Claim 18 is rejected on grounds presented in the rejection of claim 6.

Claim 26 is rejected on grounds presented in the rejection of claim 1.

Claim 27 is rejected on grounds presented in the rejection of claims 1 and 5.

In reference to claim 29, it can be seen from Weber’s figure 2 that the system is integrated so that the headers are created (22), stored (40) and displayed (28).

Claim 30 is rejected on grounds presented in the rejection of claim 1.

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3. Claims 5, 8, 13-15, 19, 21, 23, 24 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over the to Carau in view of Weber et al and further in view of US Patent 5,048,099 to Lee.

In reference to claims 5, Carau in view of Weber describes an invention similar to the one being claimed. Weber however teaches the use of a circled region as the header for retrieval. He also teaches that the header will be used as metadata (column 4, lines 13-15). Weber however does not teach the additional step of extracting the circled graphic.

Lee teaches a circle extraction algorithm as there are several known in the art. It would have been simple to implement a digital extraction as only a software implementation is required.

It would have been obvious to one skilled in the art to add the intermediate extraction step to make the header association more clear without the presence of the circle in view.

In reference to claim 8, Weber explains in column 4, lines 18-20, that implementing OCR in his invention is a known and unnecessary additional step common to the art. His invention teaches away from the use of OCR in order to improve upon the established prior method of performing the graphical translation.

However, Lee explains that the steps of circle extraction are commonly used to when text is digitally recognized (column 2, lines 60-64). Again Lee's invention can be easily integrated into Carau's and Weber's inventions through a software addition.

One skilled in the art would implemented the circle extraction with the added character reorganization step so that the computer may use the digital header information for computational organizational purposes such as implementing sorting and search algorithms.

In reference to claim 13 and 14, it can Lee teaches an extraction algorithm that resembles the one being claimed (column 3, lines 41-55). The method is obviously far from being identical, however the spirit of the extraction algorithm is the same. Lee's algorithm locates the first background to non-background pixel and begins the extraction processes in a rotational search algorithm. Both algorithms implement complementary scan line direction to determine the beginning and end of the circle marking.

In reference to claim 15, as one skilled in the art understands and as the applicant asserts in his disclosure, the limitations outlined in claim 15 are assumptions on paragraph 38, page 14, that simplifies the circle extraction algorithm. These limitations are common if not an inherent assumption to art of circle extraction.

Claim 19 is rejected on grounds presented in the rejection of claims 7 and 8.

Claim 21 is rejected on grounds presented in the rejection of claims 7, 8 and 11.

Claims 23 and 24 are rejected on grounds presented in the rejection of claims 13 and 14.

Claim 25 is rejected on grounds presented in the rejection of claim 15.

Claim 28 is rejected on grounds presented in the rejection of claims 7, 8 and 11.

Response to Arguments

The applicant's request for an interview was acknowledged and conducted on 12/16/2004.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ming-Hun Liu whose telephone number is 703-305-8488. The examiner can normally be reached on Mon-Fri.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ming-Hun Liu


DENNIS-DOON CHOW
PRIMARY EXAMINER